

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: August 17, 2005

Division: BOCC

Bulk Item: Yes No x

Department: George R. Neugent

Staff Contact Person: T. Marble

AGENDA ITEM WORDING:

Approval of a Resolution of the Monroe County Board of Commissioners in the matter of protecting the private property rights of Monroe County residents.

ITEM BACKGROUND:

PREVIOUS RELEVANT BOCC ACTION:

CONTRACT/AGREEMENT CHANGES:

STAFF RECOMMENDATIONS:

TOTAL COST: NA

BUDGETED: Yes No

COST TO COUNTY: NA

SOURCE OF FUNDS:

REVENUE PRODUCING: Yes No **AMOUNT PER MONTH** **Year**

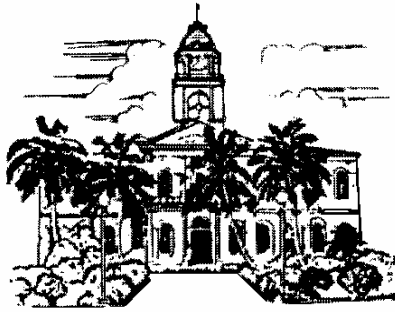
APPROVED BY: County Atty X OMB/Purchasing Risk Management

DIVISION DIRECTOR APPROVAL: George R. Neugent
(TYPE NAME HERE)

DOCUMENTATION: Included x Not Required

DISPOSITION:

AGENDA ITEM #



25 Ships Way
Big Pine Key, Florida 33043
305-872-1678

Neugent-george@monroecounty-fl.gov



August 2, 2005

Monroe County Board of Commissioners

Dear Commissioners,

In June of this year, The supreme Court rendered a 5 – 4 decision on the Kelo vs. New London, Connecticut, which gave local governments the power to seize the homes of property owners and then turn them over to private developers. Under Florida's Community Redevelopment Act that allows, under the vague definition of "Blighted" areas, properties to be condemned by local governments under eminent domain.

Under this determination, local governments are allowed to declare, for a quote un quote, legitimate public purpose, and condemn your home as it sees appropriate and to turn it over to a developer to build condominiums. The misuse of Eminent Domain in Florida has been occurring in the State of Florida for longer than one might have realized.

Florida's "blight" definition creates a path for virtually any private property in the state to be condemned under the guise of public benefit. Florida's legislature has statutorily expanded, over the years, the interpretation of "public use" qualification for more justification of Eminent Domain.

It is my strong belief that the original framers of the constitution in-no-way meant for the power of eminent domain to be used in this way. And, I can't understand how The Supreme Court knowing the relationship and pressures local elected officials comes under could believe this to be a local matter to be addressed by the electorate. This is a clear U.S. Constitutional issue where The Supreme Court in a 5 – 4 vote were wrong. Eminent domain is a powerful tool to be used only for clear needs to benefit the general public of the community; a case of clear public purpose for the general good of the community must be made. Securing private property not for sale and then to turn it over to a developer to build a WalMart or condominiums does not come close to that threshold for me. So therefore, I propose the following resolution:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA IN THE MATTER OF PROTECTING THE PRIVATE PROPERTY RIGHTS OF MONROE COUNTY RESIDENTS.

Sincerely,

George R. Neugent
District 2

RESOLUTION NO. -2005

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA IN THE MATTER OF PROTECTING THE PRIVATE PROPERTY RIGHTS OF MONROE COUNTY RESIDENTS.

WHEREAS, the United States Constitution, Article 5 of the Bill of Rights, and the Florida Constitution, Article X, Section 6, expressly provide for the protection of the private property rights of its citizens; and

WHEREAS, the power of eminent domain has been reserved to the local, state and federal governments for the sole purpose of acquiring private property through the use of condemnation proceedings when said privately held properties are needed for public purposes; and

WHEREAS, the United States Supreme Court recently handed down a decision upholding what they maintain is a local government's ability to take private property for a vaguely defined "public good" such as economic development, or increased tax revenues to the local government itself; and

WHEREAS, the Supreme Court decision put at risk the very right of private individuals to be free from government interference in their right to keep and enjoy their private property; and

WHEREAS, this action by the Supreme Court is contrary to and contravenes the aforementioned constitutional protections against such capricious and willful attacks by any governmental body upon the rights of the citizens; now, therefore

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA:

Section 1. The Board recognizes and supports the original concept of the framers of the Constitution wherein the power of the eminent domain shall be used only as a last resort to acquire private property for a public project, and that any such public project can be demonstrated to be necessary to accomplish the general welfare of the citizens of that jurisdiction.

Section 2. The Board deems any departure from the original principles of eminent domain to be an assault on our basic foundations of liberty and a threat to the rights of private property ownership; and again strongly urge all municipal jurisdictions within the State of Florida to encourage the Florida State Legislature to use all means necessary to strengthen the original purpose of the Rights of Eminent Domain within the State Constitution.

Section 3. The Board urges the Florida State Legislature to use all means necessary to strengthen the original purpose of the Rights of Eminent Domain within the State Constitution.

Section 4. The Clerk is directed to send copies of this resolution to State Representative Ken Sorensen, State Senator Larcenia Bullard, and the mayors of municipalities within Monroe County.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the 17th day of August, 2005.

Mayor Spehar
Mayor Pro Tem McCoy
Commissioner Nelson
Commissioner Neugent
Commissioner Rice

(SEAL)
Attest: DANNY L. KOLHAGE, Clerk

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

By _____
Deputy Clerk

By _____
Mayor/Chairperson

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM


SUZANNE A. HUTTON
ASSISTANT COUNTY ATTORNEY

Date 8/2/05